

FILED

AO 240 (Rev. 06/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

APR 11 2016

MATTHEW J. DYKMAN
CLERKUnited States of America

Plaintiff

v.

Dustin Dean

Defendant

Civil Action No. 11-2011-WJ

16cv289 WJ/LAM

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If incarcerated, I am being held at: Butner FMC, P.O. Box 1600, 4B, Butner NC 27509
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated, If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period) 0.

3. Other Income. In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|------------------------------|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

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4. Amount of money that I have in cash or in a checking or savings account: \$ 0

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):
0

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):
0

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:
0

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

child support \approx 35,000

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date:

3/29/16

Applicant's signature

Printed name

Dustin Dean

Dustin Dean #13218-051

Name: *48*
Federal Medical Center
P.O. Box 1600
Butner, NC 27509

RALEIGH NC 275
Research Triangle Region

06 APR 2016 PM 4 L

RECEIVED
At Albuquerque NM

APR 11 2016

13218-051
Clerk Of Court
333 Lomas BLVD NW
Suite 270
Albuquerque, NM 87102
United States

LEGAL MAIL

LEGAL MAIL - Houston v. Lack (1988)

87192227470

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

IN RE: Dustin Dean
Petitioner

16 CV 289 WJ/LAM

Case no. 11-2011-WJT

MOTION TO PROCEED IN FORMA
PAUPERIS

MOTION TO PROCEED IN FORMA PAUPERIS

COMES NOW Dustin Dean, a layman, pro se, and acting on his own behalf in the above entitled matter pursuant to Haines v. Kerner, 419 US 509 (1972).

"Courts interpret pro se petitions for post conviction relief liberally." Hohn v. U.S., 262 F.3d 811 (8th Cir. 2001).

The Supreme Court has held that "... the court shall not 'abridge, enlarge nor modify substantive right', in the guise of regulating procedure." Sibbach v. Wilson, 312 US 1, 85 L.Ed. 479, 61 S.Ct. 422 (1941).

Defendant incorporates all previous filings as referenced herein, and this court takes judicial notice that it is bound by the rule of stare decisis.

I, Dustin Dean, Petitioner who is indigent and incarcerated at Butner Federal Medical Facility, P.O. Box 1600, 4B, Butner, NC 27509, Reg. No. 13218-051, seeks permission of this court, pursuant to 28 U.S.C. section 1915, to proceed in this action without prepayment of filing or other fees and costs.

See attached AO 240 form.

Respectfully submitted,

By: [Signature] 4/5/16
Dustin Dean Date

Reg. No. 13218-051

Butner FMC

P.O. Box 1600, 4B

Butner NC 27509

CERTIFICATE OF SERVICE

I, Dustin Dean, that on April 5, 2016, did place a true and correct copy of "Motion to Proceed In Forma Pauperis" in the U.S. Mail first class postage prepaid, which is deemed filed when placed in prison official's hands for forwarding, pursuant to the Mailbox Rule (Houston v. Lack, 101 L. Ed. 2d. (1988)), and mailed to the

JURAT

I, Dustin Dean, do certify under penalty of perjury pursuant to 28 U.S.C. 1746 that all statements contained herein are true and correct to the best of my belief and knowledge.

By: [Signature] 4/5/16
Dustin Dean Date